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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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ELI LILLY AND COMPANY, )  
Plaintiff, ) Civil Action No. 07-3770 (DMC)(MF)  
v. )  
ACTAVIS ELIZABETH LLC, GLENMARK )  
PHARMACEUTICALS INC., USA, SUN )  
PHARMACEUTICAL INDUSTRIES LIMITED, )  
SANDOZ INC., MYLAN PHARMACEUTICALS )  
INC., APOTEX INC., AUROBIND PHARMA ) DOCUMENT ELECTRONICALLY FILED  
LTD., TEVA PHARMACEUTICALS USA, INC., )  
SYNTHON LABORATORIES, INC., ZYDUS )  
PHARMACEUTICALS USA, INC., )  
Defendants. )  
)

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**ORDER GRANTING MOTION TO SEAL**

THIS MATTER having been opened to the Court by Defendant Mylan Pharmaceuticals Inc. ("Mylan"), in connection with its Motion to Seal pursuant to Local Civil Rule 5.3(c), the

following portions of Mylan's Reply Brief in Support of Its Motion for Summary Judgment of Non-Infringement ("Mylan's Reply"), Mylan's Response to Plaintiff's Combined Counterstatement to Defendants' Local Rule 56.1 Statement in Support of Their Motion for Summary Judgment of Non-Infringement ("Mylan's Counter Response") and certain exhibits attached to the Second Certification of Jane Jhun in Support of Defendant Mylan Pharmaceuticals Inc.'s Motion for Summary Judgment of Non-Infringement ("Second Jhun Certification"):

**Mylan's Reply:**

- Page 3, last sentence of the first full paragraph
- Page 3, first portion of the first sentence in the last paragraph
- Page 3, first portion of the second sentence in the last paragraph
- Page 3, second citation following second sentence in the last paragraph
- Page 3, last sentence on the page
- Page 4, first partial paragraph
- Page 4, second to last sentence of footnote 1
- Page 5, last sentence on the page
- Page 7, second sentence and citation in the first full paragraph
- Page 9, portion of citation in first full paragraph
- Page 9, last three sentences of second full paragraph
- Page 9, first portion of last sentence on the page
- Page 10, remainder of first sentence and citation
- Page 10, first two sentences of first full paragraph
- Page 11, second full paragraph, excluding first sentence
- Page 11, one word in last sentence on the page
- Page 12, citation following first partial sentence on the page

**Mylan's Counter Response:**

- Page 3, portion of Mylan's response to Lilly's Alleged Undisputed Fact No. 6
- Page 3, portion of Lilly's Alleged Undisputed Fact No. 7
- Page 3, Lilly's Alleged Undisputed Fact No. 8
- Page 4, portion of Lilly's Alleged Undisputed Fact No. 9 and portion of Mylan's response to the same
- Page 4, Lilly's Alleged Undisputed Fact No. 10 and Mylan's response to the same
- Page 4, portion of Lilly's Alleged Undisputed Fact No. 11

- Page 4-5, portion of Lilly's Alleged Undisputed Fact No. 12 and portion of Mylan's response to the same
- Page 5, Lilly's Alleged Undisputed Facts Nos. 13 and 14 and Mylan's responses to the same
- Page 6, Lilly's Alleged Undisputed Fact No. 15
- Page 6-7, Lilly's Alleged Undisputed Fact No. 16 and Mylan's response to the same
- Page 7, Lilly's Alleged Undisputed Fact No. 17 and a portion of Mylan's response to the same
- Page 7, Lilly's Alleged Undisputed Fact No. 18
- Page 8, Lilly's Alleged Undisputed Facts Nos. 19-22
- Page 9, Lilly's Alleged Undisputed Facts Nos. 23-24
- Page 10, Lilly's Alleged Undisputed Facts Nos. 25-26
- Page 11, Lilly's Alleged Undisputed Facts Nos. 28-31 and Mylan's response to No. 28
- Page 12, Lilly's Alleged Undisputed Facts Nos. 32-33 and portions of Mylan's responses to the same
- Page 13, Lilly's Alleged Undisputed Facts Nos. 34-36 and a portion of Mylan's response to No. 34
- Page 14, Lilly's Alleged Undisputed Facts Nos. 37-38, and Mylan's response to No. 38
- Page 15, Lilly's Alleged Undisputed Facts Nos. 39-41 and Mylan's responses to Nos. 39 and 41
- Page 16
- Page 17, excluding the footnotes
- Page 18, Lilly's Alleged Undisputed Facts Nos. 47-50 and Mylan's response to 47, 49 and 50 (the latter in part)
- Page 19, Lilly's Alleged Undisputed Facts Nos. 51 and 52 and Mylan's response to No. 51
- Page 20, excluding the remainder of Mylan's response to No. 51
- Page 21
- Page 22, Lilly's Alleged Undisputed Fact No. 58 and Mylan's response to the same

**Second Jhun Certification:**

- Exhibit A
- Exhibit C
- Exhibit D
- Exhibit E
- Exhibit F
- Exhibit G
- Exhibit I
- Exhibit J
- Exhibit K
- Exhibit L

- Exhibit M
- Exhibit N
- Exhibit O
- Exhibit P
- Exhibit Q
- Exhibit R
- Exhibit S
- Exhibit T

the Court having considered the papers submitted by Defendant in support of the within Motion, and any papers submitted by Plaintiff herein in opposition thereto, if any; and the Court having considered oral argument of the parties, if any; and having found that the standards of Local Civil Rule 5.3(c) have been met and support the sealing of the foregoing documents, testimony and information, and for the reasons set forth in the record of the proceedings, and for other and good cause having been shown,

IT IS on this 14 day of September 2009;

**ORDERED** that Defendants' Motion pursuant to Local Civil Rule 5.3(c) to Seal the subject documents, information and testimony be and the same is hereby granted; and it is further

**ORDERED**, that said documents, information and testimony shall be sealed and shall be filed **UNDER SEAL** with this Court.



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HONORABLE MARK FALK  
UNITED STATES MAGISTRATE JUDGE